

BEFORE THE BOARD IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

RIC E. JENSEN, M.D., RESPONDENT

FILE NO. 02-11-140

TERMINATION ORDER

Date: December 11, 2015.

1. Respondent was issued Iowa medical license no. 32481 on June 25, 1998.
2. Respondent's Iowa medical license is active and will next expire on February 1, 2017.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.
4. **Statement of Charges and Settlement Agreement:** On January 13, 2012, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board alleged that Respondent violated appropriate professional boundaries when he engaged in an inappropriate relationship with, and provided financial assistance to, a female patient, during a period when she was under Respondent's care in 2009, in Omaha, Nebraska. The Board issued Respondent a Citation and Warning and ordered him to pay a \$7,500 civil penalty. The Board also placed Respondent on probation for a period of five (5) years subject to Board monitoring and professional boundaries counseling.

5. **Termination Request:** Recently, Respondent requested termination of the terms and conditions his probation.

6. **Termination:** On December 11, 2015, the Board voted to terminate the terms and conditions of Respondent's probation. The Board noted that Respondent successfully completed the following terms and conditions:

- A. **Professional Boundaries Program:** Respondent successfully completed a three-day Professional Boundaries Program at Vanderbilt University Medical Center on June 11, 2010.
- B. **Pain Management Course:** Respondent successfully completed a six-day intensive pain management course in Chicago, Illinois, on August 26, 2010.
- C. **Controlled Substance Prescribing Course:** Respondent successfully completed a three-day program for prescribing controlled substances at Vanderbilt University Medical Center on September 3, 2010.
- D. **Professional Boundaries Assessment:** Respondent successfully completed a comprehensive professional boundaries assessment at the Vanderbilt Comprehensive Assessment Program in January 2011.
- E. **Professional Boundaries Counseling:** Respondent has successfully completed counseling for professional boundaries.

THEREFORE IT IS HEREBY ORDERED: that the terms and conditions of Respondent's probation are terminated and Respondent's Iowa medical license is returned to its full privileges, free and clear of all restrictions.

This Order is issued by the Board on December 11, 2015.

A handwritten signature in dark ink, appearing to read 'Hamed H. Tewfik', with a large, stylized flourish at the end.

Hamed H. Tewfik, M.D., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

RIC E. JENSEN, M.D., RESPONDENT

FILE NO. 02-11-140

**STATEMENT OF CHARGES and SETTLEMENT AGREEMENT
(Combined)**

COMES NOW the Iowa Board of Medicine (Board), and
Ric E. Jensen, M.D., (Respondent), on January 13, 2012, and pursuant to
Iowa Code sections 17A.10(2) and 272C.3(4), enter into this combined Statement
of Charges and Settlement Agreement.

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license no. 32481 on June 25, 1998.
2. Respondent's Iowa medical license is active and will next expire on February 1, 2013.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

4. **Unethical or Unprofessional Conduct:** Respondent is charged pursuant to Iowa Code sections 147.55(3) and 272C.10(3) and 653 IAC 23.1(4) for engaging in unethical or unprofessional conduct in violation of the laws and rules governing the practice of medicine in Iowa. Engaging in unethical or unprofessional conduct includes, but is not limited to, the committing by a licensee of an act contrary to honesty, justice or good morals, whether the same is committed in the course of the licensee's practice or otherwise and whether committed within this state or elsewhere.

COUNT II

5. **Disciplinary Action by Another Licensing Authority:** Respondent is charged pursuant to Iowa Code section 148.6(2)(d) for having a license to practice medicine disciplined by a licensing authority of another state.

STATEMENT OF THE MATTERS ASSERTED

6. Respondent is an Iowa-licensed physician who practices neurological surgery in Omaha, Nebraska.

7. Respondent violated appropriate professional boundaries when he engaged in an inappropriate relationship with, and provided financial assistance to, a female patient, during a period when she was under Respondent's care in 2009, in Omaha, Nebraska.

8. Respondent completed a three-day Professional Boundaries Program at Vanderbilt University Medical Center on June 11, 2010.

9. Respondent completed a six-day intensive pain management course in Chicago, Illinois, on August 26, 2010.

10. Respondent completed a three-day program for prescribing controlled substances at Vanderbilt University Medical Center on September 3, 2010.

11. Respondent completed a comprehensive professional boundaries assessment at the Vanderbilt Comprehensive Assessment Program in January 2011.

12. On June 22, 2011, Respondent was disciplined by the Nebraska Department of Health and Human Services, Division of Public Health. Respondent was charged with failing to conform to the standards of acceptable and prevailing practice of medicine and engaging in unprofessional conduct in violation of the laws and rules governing the practice of medicine in Nebraska. Respondent was placed on probation for a period of at least one year subject to monitoring by the Nebraska Department of Health and Human Services, Division of Public Health.

13. Respondent has undergone counseling for professional boundaries from May 27, 2009, to the present.

SETTLEMENT AGREEMENT

14. **CITATION AND WARNING:** Respondent is hereby **CITED** for violating appropriate professional boundaries and being disciplined by the Nebraska Department of Health and Human Services, Division of Public Health in violation of the laws and rules governing the practice of medicine. Respondent is hereby **WARNED** that engaging in such conduct in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

15. **CIVIL PENALTY:** Respondent shall pay a **\$7,500 civil penalty** within twenty (20) days of the date of this order. The civil penalty shall be made payable to the Treasurer of Iowa, and mailed to the executive director of the Board. The civil penalty shall be deposited into the State General Fund.

16. **FIVE YEARS PROBATION:** Respondent shall be placed on **probation for a period of five (5) years** subject to the following conditions:

- A. **Board Monitoring Program:** Within thirty days of the date of this Order, Respondent shall establish a Board monitoring program with Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, Ph.#515-281-3654. Respondent shall fully comply with all requirements of the monitoring program. If Respondent fails to establish a Board

monitoring program within thirty days of the date of this Order or fails to fully comply with the Board monitoring plan, the Board will issue a notice to Respondent that the license will be suspended within thirty (30) days of the date the notice is served on Respondent. The suspension shall occur automatically and without further Board action, unless Respondent files with the Board a request for hearing on the notice within ten (10) days of the date the notice is served.

B. Compliance with Professional Boundaries Recommendations:

Respondent shall fully comply with all recommendations made by the Vanderbilt Comprehensive Assessment Program following his professional boundaries assessment, except the intensive programs outlined in recommendation number 4.

C. Principles of Medical Ethics, Staff Surveillance Forms and Patient Satisfaction Surveys:

- 1) Respondent shall post the Principles of Medical Ethics in his medical practice as directed by the Board;
- 2) Respondent shall utilize Staff Surveillance Forms in his medical practice as directed by the Board; and
- 3) Respondent shall utilize Patient Satisfaction Surveys in his medical practice as directed by the Board.

D. **Counseling:** Respondent shall submit the name and CV of a counselor to provide continuing Board-approved professional boundaries counseling under the following terms and conditions:

- 1) Respondent shall meet with his Board-approved counselor as frequently as recommended by the counselor and approved by the Board;
- 2) Respondent shall continue counseling until his discharge is approved by the Board;
- 3) The counselor shall agree to submit written quarterly reports to the Board concerning Respondent's progress no later than 1/20, 4/20, 7/20 and 10/20 of each year of Respondent's probation; and
- 4) Respondent is responsible for all costs associated with the counseling.

E. **Worksite Monitoring Program:** Respondent shall establish a worksite monitoring program with the Board.

- 1) Respondent shall submit for Board approval the name of a physician who regularly observes and/or supervises Respondent in the practice of medicine.
- 2) The Board shall provide a copy of all Board orders relating to this matter to the worksite monitor.

3) The worksite monitor shall provide a written statement indicating that they have read and understand this Order and agrees to serve under the terms of this Order. The worksite monitor shall agree to inform the Board immediately if there is evidence of violation of appropriate professional boundaries or a violation of the terms of this Order. The worksite monitor shall submit quarterly reports to the Board no later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order. The worksite monitor may be asked to appear before the Board in-person, or by telephone or video conferencing. The worksite monitor shall be given written notice of the date, time and location for the appearances. Such appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(d).

F. **Quarterly Reports:** Respondent shall file sworn quarterly reports attesting to his compliance with all the terms and conditions of this Order, including attendance at meetings with his counselor. The reports shall be filed not later than 1/10, 4/10, 7/10 and 10/10 of each year of Respondent's probation.

- G. **Board Appearances:** Respondent shall make an appearance before the Board annually or upon request. Respondent shall be given written notice of the date, time and location for the appearances. Such appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(d).
- H. **Monitoring Fee:** Respondent shall make a payment of \$100 to the Board each quarter for the duration of this Order to cover the Board's monitoring expenses in this matter. The monitoring fee shall be received by the Board with each quarterly report required under this Order. The monitoring fee shall be sent to: Coordinator of Monitoring Programs, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686. The check shall be made payable to the Iowa Board of Medicine. The monitoring fee shall be considered repayment receipts as defined in Iowa Code section 8.2.
- I. **Modification or Termination of the Terms of Probation:** Respondent may seek modification and/or termination of the terms of probation. Modification and/or termination of the terms of probation shall be at the sole discretion of the Board.

17. Respondent voluntarily submits this Order to the Board for consideration.

18. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

19. In the event Respondent violates or fails to comply with the terms of this Order, the Board may initiate action to suspend or revoke Respondent's Iowa license or impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 24.

20. This Order constitutes the resolution of a contested case proceeding.

21. Periods of residence or practice outside the state of Iowa shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board. Periods in which Respondent does not practice medicine or fails to comply with the terms established in this Order shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board.

22. Respondent understands that by entering into this combined Statement of Charges and Settlement Agreement, Respondent cannot obtain a copy of the investigative file. Pursuant to Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

23. This Order is subject to approval by the Board. If the Board fails to approve this Order, it shall be of no force or effect to either party.

24. The Board's approval of this Order shall constitute a **Final Order** of the Board.

Ric Jensen

Ric E. Jensen, M.D., Respondent

Subscribed and sworn to before me on 9th January, 2012.

Notary Public, State of NEBRASKA, Douglas County



Linda L. Benson

This Order is approved by the Board on January 13, 2012.

Siroos S. Shirazi

Siroos S. Shirazi, M.D., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686